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JUL 10 2006

PATENT
Attorney Docket No. 112171-001.C1
(Previously TARINFO.015C1)

REMARKS

By the foregoing amendments claims 1 and 8 have been amended. Reconsideration and further examination is requested in view of the foregoing amendments and the following remarks. Claims 1-20 are pending in the application.

DOUBLE PATENTING

Applicant thanks the examiner for withdrawing the double patenting rejection in view of all of the cited patents and applications except for U.S. Patent Nos. 6,748,426 (the parent to this application). Though Applicant disagrees with the rejection, in order to move the application forward, Applicant submits herewith a terminal disclaimer in view of U.S. Patent No. 6,748,426.

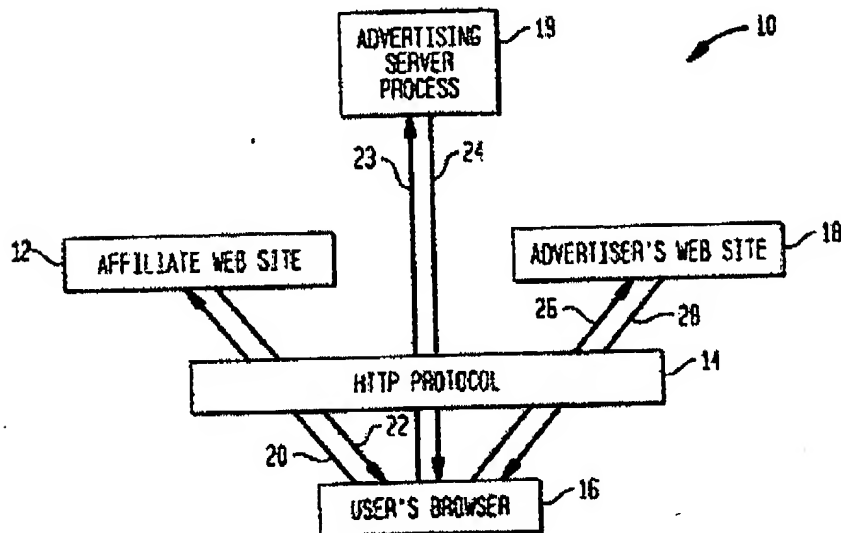
REJECTIONS UNDER § 103

In the Office Action claims 1, 2, 5 8-10, 12, 13, 19 and 20 were rejected under 35 U.S.C. §103(a) in view of Merriman (U.S. Patent No. 5, 948,061) and the remaining claims were rejection under §103(a) in view of Merriman and Shaffer (U.S. Patent No. 5,901,214). Applicant respectfully submits that all of the pending claims are patentable over the references of record.

Merriman is directed to delivering banner advertisements to consumers based upon a profile of the consumer. Figure 1 from Merriman is reproduced below. In the system described in Merriman, a consumer (user's browser 16) contacts an affiliate web site 12. The affiliate web site transmits a web page and a link to the advertising server process 19. The user's browser then transmits a request to the advertising server process 19. The request can include a cookie from the user's computer. The advertising server process responds with an advertisement having a link to the advertiser's web site 18. The cookie or the IP address of the user can be used by the

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advertising server process 19 to select which advertisement to send to that user. Note that the advertising server process 19 obtains the cookie and/or IP address from the user's browser and information about the consumer is not sent to the affiliate web site 12. Figure 1 of Merriman does not depict a direct communication path between the affiliate web site and the advertising server process.



In contrast, applicant's pending independent claim 1 is directed to a system wherein, for example, a first information server (e.g., a merchant) is configured to receive a transaction request over a network from a consumer and initiate retrieving a consumer identifier stored on the consumer device for transmission over the network. A second information server receives the consumer identifier and converts it into a Linkage Key. A Linkage Key database system compares the Linkage Key to the consumer database in order to retrieve consumer data related to the consumer. The retrieved consumer data is then transmitted to the first information server (a merchant). That is unlike Merriman, which does not disclose or suggest a first (merchant or affiliate) server to which is transmitted consumer data retrieved via a linkage key on a second server. Merriman's advertising server process 19 does not teach or suggest the claimed elements

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including transmitting consumer data to a merchant server that has been contacted by the consumer.

Pending independent claim 12 and independent method claim 19 similarly include limitations relating to a first server being contacted by a consumer, using a linkage key to obtain data relating to that consumer, and then transmitting the consumer data to the merchant server. Providing the consumer information to the merchant server allows the merchant server to customize the customer's interactions and experience with the merchant server. Merriman has no teaching or suggestion of transmitting consumer information to the merchant server that is being contacted by the consumer.

In view of the foregoing, applicant respectfully submits that the rejection under Section 103 in view of Merriman has been overcome and should be withdrawn.

CONCLUSION

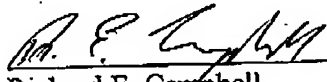
The Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. The claim amendments which are not specifically discussed in the above remarks are made in order to improve the clarity of claim language and to otherwise improve the capacity of the claims to particularly and distinctly point out the invention to those of skill in the art. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

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If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Respectfully submitted,

Dated: 7/10/06


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